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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,864	07/21/2006	Hiroshi Kigawa	294031US3PCT	1574
22850	7590	08/22/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PICO, ERIC E				
ART UNIT		PAPER NUMBER		
3654				
NOTIFICATION DATE		DELIVERY MODE		
08/22/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/586,864

**Applicant(s)**

KIGAWA ET AL.

**Examiner**

ERIC PICO

**Art Unit**

3654

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/25/2008 has been entered.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, one end of each of said first and second hoist ropes is fixed to the center of the right and left sides of said car claimed in **claim 13** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 13** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
5. Claim 13 states, "one end of each of said first and second hoist ropes is fixed to the center of the right and left sides of said car at positions symmetrical with respect to the center of gravity of said car in the horizontal plane" which is subject matter which was not described in the specification. The specification clearly states, "first and second

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hoist ropes of two systems having one ends fixed to right and left sides of the car at positions nearly symmetrical with respect to a center of gravity of the car in a horizontal plane of the car" and Figures 1 and 2 clearly depicts the first and second hoist ropes 7a, 7b having one ends at 2a, 2b fixed to right and left sides of the car 2 to the right of the center of gravity and not fixed to the center of the right and left sides of the car 2.

6. The office will interpret the claim 13 statement "one end of each of said first and second hoist ropes is fixed to the center of the right and left sides of said car at positions symmetrical with respect to the center of gravity of said car in the horizontal plane" to mean one end of each of said first and second hoist ropes is fixed to the right and left sides of said car between front and rear edges of the car as shown in Figures 1 and 2.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim(s) 13 and 2 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. U.S. Patent No. 6247557.

8. **Regarding claim 13**, Kobayashi et al. discloses a machine room-less elevator comprising:

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9. a car 4 movable in a hoistway having a top, said car 4 having two side surfaces, a rear surface, and a center of gravity in the horizontal plane;
10. guide rails 9a, 9b on each side of said car 4 along which said car 4 moves;
11. a counterweight 6 which raises and lowers in the opposite direction to the motion of said car 4 along the rear surface of said car 4;
12. a hoist 2A provided at the top of said hoistway; and
13. first and second hoist ropes 7A, 7B, each having two ends, wherein:
14. one end of each of said first and second hoist ropes 7A, 7B is fixed to the center of the right and left sides of said car 4 at positions symmetrical with respect to the center of gravity of said car 4 in the horizontal plane;
15. the other end of each of said first and second hoist ropes 7A, 7B is fixed to said counterweight 6; and
16. at least one of said first and second hoist ropes 7A, 7B is driven by said hoist 2A, shown in Figures 13 and 14.
17. **Regarding claim 2**, Kobayashi et al. discloses the first and second hoist ropes 7A, 7B are fixed, at the another ends thereof, together to the counterweight 6, shown in Figures 13 and 14.

### ***Response to Arguments***

18. Applicant's arguments filed 01/14/2008 have been fully considered but they are not persuasive.

19. In response to applicant's argument "the distance from the points of attachment of the hoist ropes to the rear of the car is  $2 \frac{9}{16}$  inches, while the distance from the points of attachment of the hoist ropes to the front of the car is  $1 \frac{1}{16}$  inches - a ratio of 2.4 to 1. Thus, Kobayashi does not teach that the hoist ropes are fixed to the center of gravity" applicant's disclosed invention depicts in FIG. 1 the distance from the points of attachment of the hoist ropes to the rear of the car being different from the distance from the points of attachment of the hoist ropes to the front of the car.

20. Furthermore, it is noted that the features upon which applicant relies (i.e., a ration between the distance from the points of attachment of the hoist ropes to the rear of the car and the distance from the points of attachment of the hoist ropes to the front of the car) are not recited in the rejected claim(s).

### ***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654